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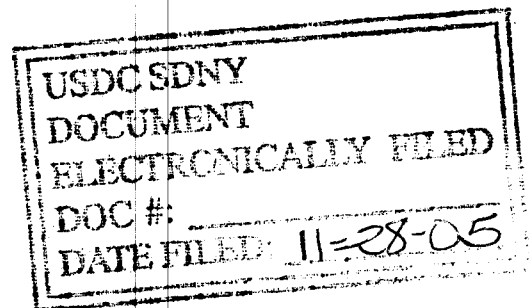
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November 21, 2005

VIA FAX (212) 804-7901

Hon. Harold Baer, Jr.
United States District Court, SDNY
500 Pearl Street
New York, NY 10007

Re. *O'Leary v. Unified Court System*
SDNY Case No. 05cv6722(HB)(DCF)



Your Honor:

We are counsel for plaintiff in the above-referred matter and we are constrained to advise the Court of certain contemporaneous events. It appears that plaintiff made application for the chief clerk position for the Bronx Surrogates Court. While we believe that plaintiff meets all the qualifications for the position, it further appears that she has not received fair consideration and has not been granted an interview. A copy of defendant's letter denying an interview is enclosed.

We bring the foregoing to your attention and plaintiff's concern that she may be the subject of retaliation provoked by her prosecution of this case. While, at this time, we offer no opinion as to whether these events are retaliatory, they appear to be elements of a pattern similar to those described in the complaint and provide cause for concern. If it turns out to be true, retaliation against plaintiff would be inappropriate and unlawful for a number of reasons and could widen the scope of the litigation.

Under these circumstances, we request that the Court schedule an immediate conference during which we will seek assurances to allay our fears. We further request that an opportunity to review with our client the basis for denial of an interview including comparison of the other candidates who were so selected. So that this opportunity is meaningful and so that it may allow for Court intervention, if warranted, it needs to be done in a timely fashion.

Certainly, we are open to a dialogue on this issue and we welcome suggestions from the defendant which may assist in avoiding unnecessary litigation. Kindly advise.

Very truly yours,

Steven M. Coren

SMC/lk
encl

cc: P. Morales, Esq. (w/encl.) - via fax (212) 428-2155
F. O'Leary (w/o encl.)

11/25/05
Let the Court know that we want a conference + we want a timely decision
Very truly yours,
Steven M. Coren
USDC

November 25, 2005

Endorsement:

I fail to see the need for a conference, but if you want a telephone conference, just call and we will arrange it.